

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to licensure, criminal convictions, and wallet cards

The Board of Psychology hereby amends Chapter 240, “Licensure of Psychologists,” and Chapter 242, “Discipline for Psychologists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76 and chapter 154B and 2020 Iowa Acts, House File 2627.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.10B and chapter 154B and 2020 Iowa Acts, House File 2627.

Purpose and Summary

These amendments implement the provisions of 2020 Iowa Acts, House File 2627, by (1) updating the Board’s licensure rules to include a reference to a rule in the new 645—Chapter 19 (**ARC 5751C**, IAB 7/14/21), which implements new Iowa Code section 272C.12, and (2) updating the Board’s rules regarding criminal convictions as grounds for discipline. These amendments also remove references to wallet cards. These amendments include a requirement that licensed psychologists countersign all clinical records of unlicensed persons under their supervision in a practice setting.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 24, 2021, as **ARC 5451C**. A virtual public hearing was held on March 16, 2021, at 9 a.m. No one attended the public hearing. No public comments were received. One change from the Notice has been made. Item 2 of the Notice rescinded and replaced subrule 240.10(4) with a new subrule 240.10(4) relating to licensure by verification. Item 2 has been revised so that existing subrule 240.10(4) is no longer rescinded and the new subrule is added but is now numbered as 240.10(5).

Adoption of Rule Making

This rule making was adopted by the Board on April 30, 2021.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees will no longer need to pay to receive duplicate wallet cards and instead will be able to print their own renewal verification if needed.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 18, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 645—240.9(154B) as follows:

645—240.9(154B) Psychologists' supervision of unlicensed persons in a practice setting. The supervising psychologist shall:

1. to 12. No change.

13. Countersign all written reports, clinical records and communications as “Reviewed and Approved” by the supervising psychologist.

ITEM 2. Adopt the following **new** subrule 240.10(5):

240.10(5) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

ITEM 3. Amend subrule 240.13(5) as follows:

240.13(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license ~~and shall send the licensee a wallet card by regular mail~~. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

ITEM 4. Amend subrule 240.13(6) as follows:

240.13(6) A person licensed to practice as a psychologist shall keep the person's license certificate and ~~wallet card(s)~~ renewal displayed in a conspicuous public place at the primary site of practice.

ITEM 5. Amend subrule 240.13(7), introductory paragraph, as follows:

240.13(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the ~~wallet card~~ renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.16(3).

ITEM 6. Rescind subrule 242.2(12) and adopt the following **new** subrule in lieu thereof:

242.2(12) Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense

are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.

[Filed 6/18/21, effective 8/18/21]

[Published 7/14/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/14/21.